

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MARCIE ABERMAN,

Plaintiff,

v.

BOARD OF EDUCATION,
OF THE CITY OF CHICAGO, *et. al.*

Defendants.

Case No. 12 C 10181

Judge Dow
Magistrate Judge Schenkier

**DEFENDANTS' AGREED MOTION FOR EXTENSION OF TIME TO FILE
THEIR REPLY BRIEF IN FURTHER SUPPORT OF THEIR PARTIAL MOTION
TO DISMISS PLAINTIFF'S FIRST AMENDED COMPLAINT**

Defendants, Board of Education of the City of Chicago and Susan Lofton (Board and Lofton jointly referred to as "Defendants"), by their attorneys, file this Motion for Extension of Time to File Their Reply Brief in Further Support of Their Partial Motion to Dismiss Plaintiff's First Amended Complaint and state as follows:

1. This Honorable Court granted Plaintiff's motion for extension of time to file an amended complaint on April 16, 2014. (Docket #36). At that same time this Honorable Court set a briefing schedule for Defendants' anticipated motion to dismiss: motion to be filed by May 12, 2014; response to be filed by June 9, 2014; and reply to be filed by June 23, 2014. (*Id.*).

2. Defendants timely filed their Partial Motion to Dismiss Plaintiff's First Amended Complaint on May 12, 2014. (Docket #37).

3. Plaintiff did not file a response on or before June 9, 2014. Undersigned counsel was copied on an email that Plaintiff's counsel Johnny

Douglas sent to this Honorable Court on June 11, 2014 indicating that he was unable to access his Pacer account in order to file Plaintiff's response brief. Mr. Douglas attached a copy of the response brief to the June 11, 2014 email. Mr. Douglas filed Plaintiff's Response in Opposition to Defendants' Motion to Dismiss on June 23, 2014. (Docket #38).

4. Instead of seeking to have Plaintiff's tardy response brief stricken, defense counsel is extending Mr. Douglas professional courtesy due to his apparent difficulty filing Plaintiff's response brief.

5. Defendants, therefore, request an additional 15 days to file their reply brief – or until July 8, 2014.

6. The requested extension will not prejudice any party and is not made for the purpose of delay but so that Defendants can file a reply brief in further support of their partial motion to dismiss in light of Plaintiff's late filing of her response brief.

7. Undersigned counsel communicated with Mr. Douglas via email today, June 23, 2014, and Mr. Douglas indicated that Plaintiff has no objection to the requested extension of time to file Defendants' reply brief.

Conclusion

Defendants Board of Education of the City of Chicago and Susan Lofton respectfully request that the Court grant their Agreed Motion for Extension of Time to File Their Reply Brief in Further Support of Their Partial Motion to Dismiss Plaintiff's First Amended Complaint to July 8, 2014.

Respectfully submitted,
James L. Bebley, General Counsel

By: /s/ Kathleen D. Crawford
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